

REMARKS

Claims 1-22 remain pending in the application. By this paper, claims 1-4, 8 and 11-17 have been amended. Reconsideration and withdrawal of the rejections of claims 1-22 are hereby respectfully solicited in view of the foregoing amendments and these remarks.

The courteous interview granted by Examiner Thai to the applicant's undersigned attorney on September 8, 2005 is hereby acknowledged with appreciation. During the interview, claims 1, 8 and 15 and the prior art reference of record cited in the claim rejections were thoroughly discussed at the interview. Further, it was agreed orally that the prior art of record does not disclose the combination of at least a portion of a background image, at least a portion of a captured digital image, and at least a portion of a foreground image to create a final lenticular composite image, as now set forth more clearly in the amended claims submitted herewith.

Also discussed during the aforementioned interview were two related cases filed by the applicant concurrently with the present case. For the convenience of the examiner, an information disclosure statement filed concurrently herewith includes a Form PTO/SB/08 identifying each of the references made of record in the two related cases.

By the foregoing amendments, the two related cases are identified in a paragraph added to the specification.

Claims 1 and 8 have been amended to recite the creation of a final lenticular composite image, with claims 2-4 and 11-14 depending therefrom amended accordingly. Claim 15 has similarly been amended to recite the creation of a multiple lenticular composite image. As discussed in the aforementioned interview, no new matter has been introduced by the foregoing amendments. See, e.g., page 4, lines 3-24, of the application as originally filed, as well as the numerous references throughout the specification and claims to the production of a lenticular item.

As a result, claims 1-22 remain pending and at issue. Reconsideration and withdrawal of the various objections and rejections are respectfully solicited in view of the foregoing amendments and the following remarks.

Claim Rejections - 35 U.S.C. §102

Claims 1-22 have been rejected under 35 U.S.C. §102(e) as anticipated by Morag, U.S. Patent No. 6,324,545 ("Morag"). The applicant respectfully traverses these rejections, and the assertions and determinations therein, for at least the following reasons.

Independent claims 1 and 15, as amended, and, by implication, claims 2-7 and 16-22 dependent thereon, recite in pertinent part a method of producing a lenticular novelty item interactively via the Internet by digitally combining at least a portion of a background image, at least a portion of a received digital image, and at least a portion of a foreground image to create a final lenticular composite image. Morag fails to disclose the creation of a final lenticular composite image, or any combination leading thereto, for the reasons discussed in the aforementioned interview and as set forth below.

Morag discloses a method of generating a personalized photograph album in which a plurality of digitally encoded images are arranged in an image mosaic (see, e.g., Morag, col. 10, lines 29-59). To produce the mosaic, the images may be combined with a theme having a background pattern, annotated, and processed for the purpose of, e.g., color correction, de-blurring, re-sizing and other formatting. However, none of the images (or the background pattern) are combined or processed to become interlaced or lenticular images. In contrast to the method recited in claims 1 and 15, the images are merely overlapped (see, e.g., Morag, col. 10, lines 35-36, and col. 4, lines 44-55).

For these reasons, it is respectfully submitted that Morag fails to disclose or suggest a method that creates a final lenticular composite image, as required by claims 1 and 15, as amended. It is therefore respectfully submitted that Morag fails to disclose or suggest every element of independent claims 1 and 15. It follows that claims 1 and 15, and, by implication, claims 2-7 and 16-22 dependent thereon, are not anticipated by the cited reference.

Independent claim 8, as amended, and, by implication, claims 9-14 dependent thereon, recite in pertinent part an apparatus for producing a lenticular novelty item interactively via the Internet having an integration module structured to combine at least a portion of a background image, at least a portion of a received digital image, and at least a portion of a foreground image to create a final lenticular composite image. Accordingly, Morag fails to disclose a combination to create a final lenticular composite image for the reasons discussed in the aforementioned interview and above in connection with independent claims 1 and 15.

For these reasons, it is respectfully submitted that Morag fails to disclose or suggest an apparatus that creates a final lenticular composite image, as required by claim 8, as amended. It is therefore respectfully submitted that Morag fails to disclose or suggest every element of independent claim 8. It follows that claim 8 and, by implication, claims 9-14 dependent thereon, are not anticipated by the cited reference.

All of the objections and rejections discussed above are believed to be overcome in view of the foregoing amendments and remarks. Claims 1-22 are therefore believed to be in condition for allowance.

Claims 1-22 are also believed to be in condition for allowance because the cited reference fails to render any of the claims at issue obvious. It is clear that the prior art must make a suggestion of or provide an incentive for a claimed combination of elements to establish a *prima facie* case of obviousness. See, *In re Oetiker*, 24 U.S.P.Q.2d 1443, 1446 (Fed. Cir. 1992); *Ex parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. 1985). Because Morag fails to create a lenticular composite image, much less disclose or provide any motivation for combining at least a portion of a background image, at least a portion of a captured digital image, and at least a portion of a foreground image to create a final lenticular composite image, as required by claims 1 and 15 (and by extension, claim 8), as amended, it follows that none of the cited references can render any of the claims at issue obvious. It follows that claims 1-22 recite patentable subject matter over the cited reference.

CONCLUSION

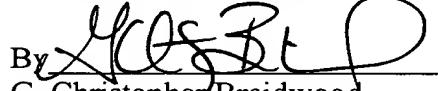
Claims 1-22 are in condition for allowance in view of the foregoing amendments and the following remarks. Reconsideration and withdrawal of the rejections of claims 1-22 are hereby respectfully solicited.

The examiner is invited to contact the undersigned at the telephone number listed below in order to discuss any remaining issues or matters of form that will place this case in condition for allowance.

This paper is timely filed, as it is accompanied by a request for a one-month extension of time and a check to cover the requisite fee. However, the Commissioner is hereby authorized to charge any fee deficiency, or to credit any overpayments, to Deposit Account No. 13-2855 of the undersigned's firm.

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Respectfully submitted,

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